

By

Meier
MEIER

S.B. No. 1014

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of athletic trainers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5(c), Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The board shall establish guidelines, which may include requirements for continuing education, for athletic trainers in the state and prepare and conduct an examination for applicants for a license.

SECTION 2. Sections 8 and 9, Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 8. No person may hold himself out as an athletic trainer or perform~~[;--for-compensation;]~~ any of the activities of an athletic trainer as defined in this Act without first obtaining a license or a temporary license under this Act.

Sec. 9. An applicant for an athletic trainer license must possess one of the following qualifications:

(1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or

(2) hold a degree in physical therapy or corrective therapy with at least a minor in physical education or health which

1 included a basic athletic training course and meet apprenticeship
2 or any other requirement established by the board[~~7--held--a--valid~~
3 ~~teaching--certificate--for--the--State--of--Texas,--and--have--spent--at~~
4 ~~least--two--academic--years--working--under--the--direct--supervision--of--a~~
5 ~~licensed--athletic--trainer~~]; or

6 (3) have completed at least four years beyond the secondary
7 school level, as an undergraduate or graduate student, as an
8 apprentice athletic trainer under the direct supervision of a
9 licensed athletic trainer. These must be consecutive years of
10 supervision, military duty excepted.

11 (4) An out-of-state applicant must fulfill one of the above
12 stated qualifications, (1), (2), or (3), and submit proof of active
13 engagement as an athletic trainer in the State of Texas as set
14 forth in Section 16(b) of this Act.

15 SECTION 3. Section 10, Chapter 498, Acts of the 62nd
16 Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas
17 Civil Statutes), is amended by adding Subsection (c) to read as
18 follows:

19 (c) The board may issue a temporary license to an applicant
20 under Subsection (a) of this section if the applicant meets the
21 requirements of Section 9 of this Act and any other requirement
22 established by the board. The board by rule shall prescribe the
23 time during which temporary licenses are valid.

24 SECTION 4. Section 13, Chapter 498, Acts of the 62nd
25 Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas
26 Civil Statutes), is amended to read as follows:

27 Sec. 13. (a) A person whose application for a license or

1 license renewal is denied is entitled to a hearing before the board
2 in accordance with the Administrative Procedure and Texas Register
3 Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes),
4 if the person submits to the board, not later than the 30th day
5 after the day the license or license renewal is denied, a written
6 request for a hearing [Any-person-whose-application-for-a-license
7 is-denied-is-entitled-to-a-hearing-before-the-board-if-he-submits-a
8 written-request-to-the-board].

9 (b) Proceedings for revocation or suspension of a license
10 and appeals from those proceedings are governed by the
11 Administrative Procedure and Texas Register Act, as amended. [shall
12 be-commenced-by-filing-charges-with-the-board-in-writing-and--under
13 oath.--The-charges-may-be-made-by-any-person-or-persons-

14 [{c}--The--board-shall-fix-a-time-and-place-for-a-hearing-and
15 shall-cause-a-written-copy-of-the-charges-or-reason-for-denial-of-a
16 license,--together-with-a-notice-of-the-time--and--place--fixed--for
17 hearing,--to--be--served-on-the-applicant-requesting-the-hearing-or
18 licensee-against-whom-the-charges-have-been-filed-at-least-20--days
19 prior--to--the--date--set--for-the-hearing. --Service-of-charges-and
20 notice-of-hearing-may-be-given-by-certified-mail-to-the-last--known
21 address-of-the-licensee-or-applicant-

22 [{d}--At--the-hearing-the-applicant-or-licensee-has-the-right
23 to-appear-either-personally-or-by--counsel,--or--both,--to--produce
24 witnesses,--and--to--have--subpoenas--issued--by--the--board-and-to
25 cross-examine-the-opposing-or-adverse-witnesses-

26 [{e}--The-board-is-not-bound-by-strict-rules-of-procedure--or
27 by--the--laws-of-evidence-in-the-conduct-of-the-proceedings-but-the

1 determination-shall-be-founded-upon-sufficient--legal--evidence--to
2 sustain-it-

3 [(f) --The--board--shall-determine-the-charges-on-their-merits
4 and-enter-an-order-in-a-permanent-record-setting-forth-the-findings
5 of-fact-and-law-and-the-action-taken--A-copy-of-the-order--of--the
6 board--shall--be--mailed--to--the-applicant-or-licensee-at-his-last
7 known-address-by-certified-mail-

8 [(g) --On-application,--the-board-may-reissue-a--license--to--a
9 person--whose--license--has--been--cancelled--or--revoked,--but-the
10 application-may-not-be-made-prior-to-the-expiration-of-a-period--of
11 six-months-after-the-order-of-cancellation-or-revocation-has-become
12 final,--and-the-application-shall-be-made-in-the-manner-and-form-as
13 the-board-may-require.]

14 SECTION 5. Section 14, Chapter 498, Acts of the 62nd
15 Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas
16 Civil Statutes), is repealed.

17 SECTION 6. This Act takes effect September 1, 1981.

18 SECTION 7. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

RECEIVED

FISCAL NOTE

MAR 21 1981

March 24, 1981

Senator O. H. "Ike" Harris

Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1014
By: Meier

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 1014 (relating to the regulation of athletic trainers) to be as follows:

No fiscal implication or additional cost to the State or units of local government attributable to the bill, should it be enacted, is anticipated.


Thomas M. Keel
Director

Source: LBB Staff: TK, JH, PA

S. B. No. 1014

By Meier

AN ACT relating to the regulation
of athletic trainers.

MEIER

3-12-81

Filed with the Secretary of the Senate

MAR 16 1981

Read, referred to Committee on ECONOMIC DEVELOPMENT

Reported favorably. _____

Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.

Ordered not printed. _____

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.
_____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

Read second time and { ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of
_____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Engrossed

Sent to House

ENGROSSING CLERK

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays

_____ Present, not voting.

Constitutional Rule requiring bills to be read on three several
days suspended (failed to suspend) by a four-fifths vote of
_____ yeas _____ nays _____ present not voting.

Read third time (amended); finally passed (failed) by a
(Non-Record Vote) Record Vote of _____ yeas _____ nays
_____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

Chief Clerk of the House